

2002P16792WOUS
Hug *et al.*
Appl. No.: 10/536,882

REMARKS

Claim Status

After entry of this Amendment, Claims 6 – 9 are pending. By this Amendment, the claims are not amended. Claims 1 – 5 have been cancelled previously. No new matter has been added.

Obviousness-Type Double Patenting

The Examiner rejects Claims 6 and 7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 – 2 of U.S. Patent No. 7,108,524 to Wahler. The Examiner states that a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground.

Without conceding that the instant rejection is proper over Wahler, Applicants submit a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). Applicants respectfully request the Examiner to withdraw the rejection of Claims 6 and 7.

Allowable Subject Matter

The Examiner objects to Claims 8 and 9 as being dependent upon a rejected base claim, but indicates that these claims would be allowable if rewritten in independent form.

In view of the terminal disclaimer filed herewith, Applicants submit that Claims 6 – 9 are allowable, and respectfully request the Examiner to pass Claims 6 – 9 to allowance.

CONCLUSION

The present response is intended to correspond with the Revised Amendment Format. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

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For the above reasons, Applicants respectfully submit that the application is in condition for allowance, and such allowance is herewith respectfully requested. No new matter has been added.

Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2002P16792WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: 4/4/07


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